SIGNED.

Dated: May 09, 2005

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re	Chapter 7
LMA PROPERTIES, LLC,	CASE NO. 2-03-09946-RJH
Debtor.	
LOUIS A. MOVITZ, Trustee,	ADVERSARY NO. 04-00892
Plaintiff,	
v.	
GALIZ M. SHAPIRO,	MEMORANDUM DECISION DENYING SUBSEQUENT NEW VALUE DEFENSE AND GRANTING TRUSTEE'S MOTION FOR SUMMARY JUDGMENT
Defendant.	

Based on the analysis set forth in *In re Phoenix Restaurant Group, Inc.*, 2004 W.L. 3113719 (Bankr. M.D. Tenn. 2004), and the implications of the holding in *In re Microage, Inc.*, 291 B.R. 503 (9th Cir. BAP 2002), this Court concludes that a "subsequent new value" defense under § 547(c)(4) cannot be asserted on the basis of post-petition transfers. For that reason together with the additional findings of fact and conclusions of law stated on the record on February 8, 2005, the Trustee's motion for summary judgment should be granted. In addition, any claims, including administrative claims, asserted by or allowed to the Defendant should be disallowed until there is full payment of the preference liability together with interest at the federal judgment rate from the date of the complaint and the Trustee's costs. Counsel for the Trustee is requested to upload a form of judgment in accordance with this decision.

DATED AND SIGNED ABOVE

SIGNED

Copy of the foregoing faxed
this 9th day of May, 2005, to:

Terry A. Dake, Esq.
11811 N. Tatum Boulevard, Suite 3031
Phoenix, AZ 85028-1621
Attorney for Trustee/Plaintiff
Fax: (480) 368-5198

Daniel L. Kloberdanz, Esq.
Berens, Kozub, Lord & Kloberdanz
7047 E. Greenway Parkway, Suite 140
Scottsdale, AZ 85254
Attorney for Defendant Galiz Shapiro
Fax: (480) 607-2215

/s/ Pat Denk
Judicial Assistant

SIGNED